

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Eric Greitens; Greitens for Missouri and) MUR 7197
Jeff Stuermer, Treasurer)

CERTIFICATION

I, Laura E. Sinram, recording secretary of the Federal Election Commission executive session, do hereby certify that on February 08, 2018, the Commission took the following actions

in the above-captioned matter:

1. Failed by a vote of 2-3 to:

- a. Find reason to believe that Eric Greitens violated 52 U.S.C. § 30125(f).
- b. Find reason to believe that Greitens for Missouri and Jeff Stuermer, Treasurer, violated 52 U.S.C. § 30125(f).
- c. Find reason to believe that Greitens for Missouri and Jeff Stuermer, Treasurer, violated 52 U.S.C. § 30104(c) and (g) by failing to report independent expenditures.
- d. Find reason to believe that Greitens for Missouri and Jeff Stuermer, Treasurer, violated 52 U.S.C. § 30120 by failing to use the proper disclaimer on a public communication.
- e. Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated August 17, 2017.
- f. Authorize the use of compulsory process, as necessary.
- g. Approve the appropriate letter.

Commissioners Walther and Weintraub voted affirmatively for the motion.

Commissioners Goodman, Hunter, and Petersen dissented.

2. Failed by a vote of 3-2 to:

- a. Dismiss the allegation that Eric Greitens violated 52 U.S.C. § 30125 pursuant to the Commission's prosecutorial discretion under *Heckler v. Chaney*, 470 U.S. 821 (1985).
- b. Dismiss the allegation that Greitens for Missouri and Jeff Stuermer, Treasurer, violated 52 U.S.C. § 30125 pursuant to the Commission's prosecutorial discretion under *Heckler v. Chaney*, 470 U.S. 821 (1985).
- c. Dismiss the allegation that Greitens for Missouri and Jeff Stuermer, Treasurer, violated 52 U.S.C. § 30104(c) and (g) by failing to report independent expenditures pursuant to the Commission's prosecutorial discretion under *Heckler v. Chaney*, 470 U.S. 821 (1985).
- d. Dismiss the allegation that Greitens for Missouri and Jeff Stuermer, Treasurer, violated 52 U.S.C. § 30120 by failing to use the proper disclaimer on a public communication per the Commission's prosecutorial discretion under *Heckler v. Chaney*, 470 U.S. 821 (1985).
- e. Approve the Factual and Legal Analysis proposed by the Office of General Counsel in the First General Counsel's Report dated August 17, 2017, as last edited and distributed by Commissioner Hunter's Office on February 8, 2018 at 11:58 a.m. and
 - i. On page 1 line 27 beginning with the word "Because", strike all the way through page 2 line 1.
 - ii. On page 2 line 2, the sentence that begins with the word "it", "it" is going to be capitalized.

Commissioners Goodman, Hunter, and Petersen voted affirmatively for the motion.

Commissioners Walther and Weintraub dissented.

3. Decided by a vote of 5-0 to:

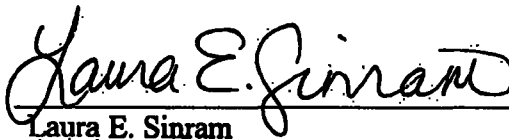
a. Close the file.

b. Send the appropriate letters.

Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively
for the decision.

Attest:

2/12/18
Date


Laura E. Sinram
Deputy Secretary of the Commission

1-800-444-4604